

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
vs.	:	
	:	
JAMES CLARK	:	NO. 08-508

MEMORANDUM

ROBERT F. KELLY, Sr. J.

OCTOBER 2, 2009

Presently before the Court are three pro se motions of James Clark. The first, “Motion to Vacate Guilty Verdict Pursuant To Fed R. Crime P. 39 & 33 and Requests A New Trial”, (Doc. No. 39); the second, “Motion to Set aside Conviction for use of Perjured Testimony and Motion to Vacate”, (Doc. No. 40); and third, “Motion to Exclude Material in PSR Sentencing Memorandum and Objections”, (Doc. No. 41).

A Defendant who is represented by counsel has no Sixth Amendment right to file papers pro se or to participate as co-counsel. United States v. Wolfish, 525 F.2d 457 (1975); U.S. v. Cyphers, 556 F.2d 630 (1977) and Hall v. Dorsey, 534 F. Supp. 503 (1982).

For these reasons we decline to consider Clark’s pro se motions and they will be dismissed.

An appropriate Order follows.

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	:	
vs.	:	
	:	
JAMES CLARK	:	NO. 08-508

ORDER

AND NOW, this 2nd day of October, 2009, Defendant's pro se motions, "Motion To Vacate Guilty Verdict Pursuant to Fed R. Crime P 29 & 33 and Requests A New Trial", (Doc. No. 39); "Motion to Set aside Conviction for use of Perjured Testimony and Motion to Vacate", (Doc. No. 40); and "Motion to Exclude Material in PSR Sentencing Memorandum and Objections", (Doc. No. 41); are hereby **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE